#### THE CITY OF CLAYTON

Board of Aldermen City Hall – 10 N. Bemiston Avenue February 9, 2016 7:00 p.m.

#### Minutes

Mayor Sanger called the meeting to order and requested a roll call. The following individuals were in attendance:

Aldermen: Cynthia Garnholz, Mark Winings, Joanne Boulton, Alex Berger III, Rich Lintz, and Ira Berkowitz.

Mayor Sanger City Manager Owens City Attorney O'Keefe

Alderman Boulton moved to approve the January 26, 2016 minutes. Alderman Winings seconded.

The motion to approve the minutes passed unanimously on a voice vote.

#### PUBLIC REQUESTS AND PETITIONS

None

Mayor Sanger presented a proclamation in honor of Thelma Ross' 100<sup>th</sup> birthday.

Mayor Sanger opened the public hearing and requested proof of publication.

## <u>A PUBLIC HEARING AND A RESOLUTION TO CONSIDER APPROVING A CONDITIONAL USE PERMIT –</u> 6609 CLAYTON ROAD

City Manager Owens reported that this is a public hearing and resolution approving an application for a Conditional Use Permit submitted by Bob Tomek, Clayton Capital Group, LLC, to allow the conversion of the existing building located at 6609 Clayton Road from commercial use to four residential units.

The subject property is zoned C-2 General Commercial District, and is located in the Clayton Road Urban Design District. Multi-family residential uses are allowable in the Clayton Road Urban Design District provided a Conditional Use Permit is approved by the Board of Aldermen.

The 6,500-square-foot property is located on the north side of Clayton Road between Concordia Lane and St. Rita Avenue, and contains a two-story, 4,853-square-foot building which was constructed in 1930 and most recently used as a multi-tenant office building. The building is currently vacant. An eight-space surface parking lot is located behind the building with access from the rear alley. The applicant proposes to convert the building to four, 1,098-square-foot residential units.

No exterior building alterations, site improvements or landscaping are proposed at this time

The Zoning Code requires two parking spaces for each dwelling unit; eight parking spaces are provided in the surface parking lot behind the building. The City's Bicycle Parking Regulations require one bicycle rack.

The Plan Commission considered this request at its January 19, 2016 meeting and voted unanimously to recommend approval.

Recommendation is to approve a Conditional Use Permit to allow four residential units at 6009 Clayton Road, pursuant to the stipulations and conditions listed in the attached resolution.

In response to Alderman Garnholz's question, Bob Tomek, Clayton Capital Group, LLC addressed the Board stating that they will be removing the signage.

In response to Alderman Boulton's question, Mr. Tomek stated that they will be installing the bike racks in the back of the building near the door.

City Manager Owens noted that staff received a few comments from the residents with issues regarding the current building.

Mayor Sanger closed the public hearing.

Alderman Garnholz moved to approve Resolution No. 16-02, a Conditional Use Permit for 6609 Clayton Road. Alderman Winings seconded.

The motion passed unanimously on a voice vote.

Mayor Sanger recommended that they contact the Clayton Chamber of Commerce when they have an opening date.

## AN ORDINANCE TO CONSIDER A FIRST QUARTER AMENDMENT TO THE FISCAL YEAR 2016 BUDGET

Janet Watson reported that as part of the quarterly budget review, staff is presenting for your consideration the first amendment to the Fiscal Year 2016 (FY16) budget. Most of this amendment consists of projects or equipment that was delayed from FY15. As a reminder, the 1<sup>st</sup> Quarter Financial Report will be on the next meeting's agenda. The proposed amendment is summarized below:

ALL FUNDS	FY 2016 Original Budget	FY 2016 1st Quarter Amendment Requested	FY 2016 Budget After This Amendment	% Change
Beginning Fund Balance	\$88,586,174	-	\$88,586,174	
Revenues	\$51,222,642	\$3,144,656	\$54,367,298	6.1%
Expenditures	<u>\$55,212,296</u>	<u>\$7,643,171</u>	\$62,855,467	13.8%
Net Change		(\$4,498,515)		
Ending Fund Balance	\$84,596,520		\$80,098,005	

#### **General Fund**

Revenue – Net Increase of \$2.000

• The City received a donation in the amount of \$2,000 to apply toward police department needs.

#### Expenditures – Net Decrease of \$1,289

- Police A donation of \$2,000 was used to purchase new LED flashlights for patrol cars.
   Finance The City had budgeted additional expense for the new audit contract, but the bids came in less than planned by \$8,000.
- Municipal Court In hiring a new Court Administrator, and due to the new Senate Bill 5 requirements, the City chose to overlap this position by three months to provide a smooth transition for this important function. The cost for that overlap was \$27,500.
- Pension The City receives the annual actuarial valuation for the Non-Uniformed Pension Plan after the budget has been approved. This year the required contribution for the City was \$22,789 less than budgeted.

### **Equipment Replacement Fund**

Revenue – No Net Change

Expenditures – Net Increase of \$142,960

- Vehicles & Equipment The purchase of a parking control vehicle for \$33,660 was delayed to this year, and fire equipment of \$6,300 was moved to this year to match the timing of the related fire truck delivery.
- Information Technology Projects Two projects were moved from last year to this year which were the Council Chamber audio visual system upgrade of approximately \$70,000, and the ACR system replacement of \$33,000.

#### **Capital Improvement Fund**

Revenue – Net Increase of \$3,149,500

- Federal Grants The City is allocated \$22,500 each year from CDBG grant funds. We choose to use these funds for sidewalk and curb improvements. This year we believe we will complete two of these projects which will bring us to current funding.
- Transfer-in from 2011 Bond funds The remainder of the 2011 bond proceeds of \$360,000 will be transferred for completion of various projects. All bond funds from this issuance will be spent by the end of this fiscal year.
- Transfer-in from 2014 General Obligation Bond funds Bond projects were delayed in FY15 and one
  project is being rebid due to high bids received last year. See below for the list of projects which total
  \$2,767,000.

#### Expenditures – Net Increase of \$4,374,500

- Parks Projects Less work was needed than planned for the ice rink renovations by \$51,000 and the
  design work at Oak Knoll Park was not completed at the end of the previous year therefore an
  additional \$35,000 is being moved into this year. In addition, the purchase of the Westmoreland
  property next to the Hanley House for \$650,000 was finalized on October 1, causing the expenditure to
  be recorded in FY16.
- Public Works Sidewalks & Traffic Signal Projects Completion of a sidewalk project was delayed to this year in the amount of \$6,000; a CDBG sidewalk project of \$22,500 is being added to match the grant timing; and the traffic signal detection replacement project was also moved into this year for \$100,000.
- Public Works Facility Projects Several projects were delayed last year and need to be moved into FY16. These include the Brentwood elevator (\$471,000), completion of the mulch pile relocation (\$20,000), HVAC improvements in the fire department (\$112,000), completion of the energy efficiency project (\$112,000) and city hall/garage projects (\$130,000).

 Public Works Bond Funded Projects – An alley improvement project and two resurfacing projects were delayed from FY15 due to staffing vacancies, and one project is being rebid due to high bids being received last year. The delayed projects are the Alley Improvements (\$237,000), FY15 Resurfacing (\$1,733,000), FY16 Resurfacing (\$109,000), and Carondelet Plaza (\$688,000) which is the project which will be rebid in FY16.

#### **Debt Funds**

Revenue – No Net Change

Expenditures – Net Increase of \$3,127,000

- Transfer-out of 2011 Bond funds The remainder of the 2011 bond proceeds of \$360,000 will be transferred for completion of various projects. This will be the last year these funds are available.
- Transfer-out of 2014 General Obligation Bond funds Bond projects were delayed in FY15 and one project is being rebid due to high bids received last year. See project information above for a total of \$2,767,000.

## Pension Funds

Revenue – Net Decrease of \$6,844

 A reduction of the City contribution to the Non-Uniformed pension plan in the amount of \$6,844 is needed due to recently receiving the final required City contribution in the annual actuarial valuation. This amount differs from the General Fund change due to combination of a portion of the contribution being paid by CRSWC and a small budgeting error.

Expenditures – No Net Change

An ordinance incorporates the recommended amendments to the FY16 budget and is provided in the Board's agenda packet.

In response to Mayor Sanger's question, Ms. Watson confirmed that the *carry overs* will not affect the operating budget.

Alderman Garnholz introduced Bill No. 6540, an ordinance to approve the First Quarter Budget amendment to be read for the first time by title only. Alderman Winings seconded.

City Attorney O'Keefe reads Bill No. 6540, an Ordinance Amending the Fiscal Year 2016 Budget and Appropriating Funds Pursuant Thereto for the first time by title only.

The motion passed unanimously on a voice vote.

Alderman Garnholz moved that the Board give unanimous consent to consideration for adoption of Bill No. 6540 on the day of its introduction. Alderman Winings seconded.

The motion passed unanimously on a voice vote.

Alderman Garnholz introduced Bill No. 6540, an ordinance to approve the First Quarter Budget amendment to be read for the second time by title only. Alderman Winings seconded.

City Attorney O'Keefe reads Bill No. 6540, an Ordinance Amending the Fiscal Year 2016 Budget and Appropriating Funds Pursuant Thereto for the second time by title only.

Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; Alderman Lintz – Aye; Alderman Berkowitz – Aye; and Mayor Sanger – Aye. The bill was adopted and became Ordinance No. 6412 of the City of Clayton.

# AN ORDINANCE TO CONSIDER APPROVING A CONTRACT WITH MIDWEST POOL MANAGEMENT FOR AQUATIC MANAGEMENT SERVICES FOR THE CITY OF CLAYTON

City Manager Owens reported that as was reported to the Board in the Fall, the city has been experiencing significant staff shortages in the Aquatics Department both in part-time staff and full-time staff. Due to these vacancies, it was felt that this was a good time to test the market and determine if this would be a good time for the city to handle the Management and Lifeguarding functions at both the Shaw Park Aquatic Center as well as the Center of Clayton through a contractual service provider. St. Louis has several companies that have been in this business and serves the need of many municipalities and in fact, in the past the City of Clayton had contracted out the operation of Shaw Park throughout the 1990's.

A Request for Proposals was published and the City received five proposals. Two were from local firms and three were from companies located in Georgia and Florida. Interviews were conducted with the two local firms, Lifeguards Unlimited (LGU) and Midwest Pool Management (MPM). Upon completion of the interviews staff recommends that the City enter into a two-year contract with MPM.

Alderman Berkowitz commented that with the possibility of the management company it would be appealing to keep Shaw Park pool open longer. He noted that in the past the pool closed early due to losing the lifeguards because of the start of the school (high school and college) year. Patty DeForrest confirmed that this would be possible.

Bert Forde, President and Chrissy Withrow, Vice President, Midwest Pool Management, addressed the Board stating that they recruits for employees from all over the St. Louis area. The availability of their employees varies and can be on different schedules other than college or high school hiring over 1,600 lifeguards. MPM manages aquatic centers throughout the region some include Arnold Maryland Heights, Chesterfield, Shrewsbury, and Ellisville.

In response to Alderman Lintz's question, Ms. Ford stated that they manager year-round facilities for Arnold, Maryland Heights and several in the Kansas City area.

Alderman Garnholz introduced Bill No. 6541, an ordinance to approve a contract with Midwest Pool Management for the Aquatic Management Services to be read for the first time by title only. Alderman Winings seconded.

City Attorney O'Keefe reads Bill No. 6541, an Ordinance Approving a Contract With Midwest Pool Management Ltd. for Aquatic Management Services for the City of Clayton for the first time by title only.

The motion passed unanimously on a voice vote.

Alderman Garnholz moved that the Board give unanimous consent to consideration for adoption of Bill No. 6541 on the day of its introduction. Alderman Winings seconded.

The motion passed unanimously on a voice vote.

Alderman Garnholz introduced Bill No. 6541, an ordinance to approve a contract with Midwest Pool Management for the Aquatic Management Services to be read for the second time by title only. Alderman Winings seconded.

City Attorney O'Keefe reads Bill No. 6541, an Ordinance Approving a Contract With Midwest Pool Management Ltd. for Aquatic Management Services for the City of Clayton for the second time by title only.

Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; Alderman Lintz – Aye; Alderman Berkowitz – Aye; and Mayor Sanger – Aye. The bill was adopted and became Ordinance No. 6413 of the City of Clayton.

# AN ORDINANCE TO CONSIDER APPROVING A CONTRACT WITH KOZENY-WAGNER, INC. FOR PROFESSIONAL SERVICES RELATED TO THE CHAPMAN PLAZA PROJECT

City Manager Owens reported that the Chapman Plaza Project is entering the pre-construction phase and included in that phase is the selection of a Consultant to serve as Construction Manager from pre-construction through completion of the work. This project, funded through a generous donation secured by the Clayton Century Foundation from Bob Chapman and his family as well as his company, the Barry-Wehmiller Group, has a total construction budget of \$4,500,000. Funds for the Construction Manager are included in the total construction budget.

The City of Clayton issued a Request for Proposals for Construction Management (CM) Services for the planning and construction of the Chapman Plaza and Gardens in Shaw Park. The City received one response to the RFP from Kozeny-Wagner. As a result of an interview with Kozeny-Wagner, it was the recommendation of staff that Kozeny-Wagner would be able to do a good job with this project. They have made themselves familiar with the work and understand the challenges we will face with site logistics and quality control. Their experience with Great Rivers Greenway (GRG) projects is extensive in the role of CM and GRG has had numerous contracts with Kozeny-Wagner in the range of \$200,000. Their proposed fee of \$264,000 is also less than what is included in the budget (which is \$322,200).

It is anticipated that the pre-construction phase of this project will take up to five months with construction anticipated to begin in August 2016. Construction has been estimated to take six to eight months with the goal of completing work in spring 2017.

Recommendation is to approve the ordinance authorizing the execution of a contract with Kozeny-Wagner, Inc. in the amount of Two Hundred and Sixty-Four Thousand Dollars (\$264,000) plus a contingency of Twenty-five Thousand Dollars (\$25,000.00).

Pat Kozeny, President of Kozeny-Wanger, addressed the Board providing a brief background of the company. In response to Alderman Boulton's question, Mr. Kozeny named a few of their most recent projects, Deer Creek, Trojan Park in Wellston, and the Dardienne Greenway.

Alderman Garnholz introduced Bill No. 6542, an ordinance to approve a contract with Kozeny –Wagner, Inc. for the Chapman Plaza Project to be read for the first time by title only. Alderman Winings seconded.

City Attorney O'Keefe reads Bill No. 6542, an Ordinance Approving a Contract With Kozeny-Wagner, Inc. for Construction Management Services Related to the Chapman Plaza Project for the first time by title only.

The motion passed unanimously on a voice vote.

Alderman Garnholz moved that the Board give unanimous consent to consideration for adoption of Bill No. 6542 on the day of its introduction. Alderman Winings seconded.

The motion passed unanimously on a voice vote.

Alderman Garnholz introduced Bill No. 6542, an ordinance to approve a contract with Kozeny –Wagner, Inc. for the Chapman Plaza Project to be read for the second time by title only. Alderman Winings seconded.

City Attorney O'Keefe reads Bill No. 6542, an Ordinance Approving a Contract With Kozeny-Wagner, Inc. for Construction Management Services Related to the Chapman Plaza Project for the City of Clayton for the second time by title only.

Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; Alderman Lintz – Aye; Alderman Berkowitz – Aye; and Mayor Sanger – Aye. The bill was adopted and became Ordinance No. 6414 of the City of Clayton.

AN ORDINANCE TO CONSIDER A MODIFICATION TO THE MUNICIPAL TRAFFIC CODE RELATED TO ONE-WAY SOUTHBOUND TRAFFIC FLOW FOR THE ALLEY EXTENDING NORTH FROM FORSYTH BOULEVARD BETWEEN CENTRAL AVENUE AND BEMISTON AVENUE

City Manager Owens reported that recently there was a request from a property owner in the 7800 block of Forsyth to convert the alley extending north from Forsyth Boulevard between Central Avenue and Bemiston Avenue to one-way southbound traffic flow. The owner indicated issues are created when vehicles traveling in opposite directions use the alley at the same time, because the alley is not wide enough to accommodate two-way traffic. Currently the ordinance states that the alley is restricted to one-way northbound traffic flow, but the alley has never been signed this way. Therefore the conversion in the Municipal Code will be from one-way northbound to one-way southbound, while the practical change will be from two-way flow to one-way southbound flow. Recommendation is to approve the ordinance.

In response to Mayor Sanger's question, Dale Houdeshell stated that there was one restaurant in opposition, but now they were okay with the change.

Alderman Garnholz introduced Bill No. 6543, an ordinance to approve a one-way direction in the alley adjacent to 7817 Forsyth Boulevard to be read for the first time by title only. Alderman Winings seconded.

City Attorney O'Keefe reads Bill No. 6543, an Ordinance Approving Changes to the Traffic Code to Codify Existing One-Way Southbound Traffic Flow in the Alley Extending North from Forsyth Boulevard between Central Avenue and Bemiston Avenue for the first time by title only.

The motion passed unanimously on a voice vote.

Alderman Garnholz – I move that the Board give unanimous consent to consideration for adoption of Bill No. 6543 on the day of its introduction. Alderman Winings seconded.

The motion passed unanimously on a voice vote.

Alderman Garnholz introduced Bill No. 6543, an ordinance to approve a one-way direction in the alley adjacent to 7817 Forsyth Boulevard to be read for the second time by title only. Alderman Winings seconded.

City Attorney O'Keefe reads Bill No. 6543, an Ordinance Approving Changes to the Traffic Code to Codify Existing One-Way Southbound Traffic Flow in the Alley Extending North from Forsyth Boulevard between Central Avenue and Bemiston Avenue for the second time by title only.

Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; Alderman Lintz – Aye; Alderman Berkowitz – Aye; and Mayor Sanger – Aye. The bill was adopted and became Ordinance No. 6415 of the City of Clayton.

## A MOTION TO CONSIDER APPROVING PROPOSED CHANGES TO BUILDING PERMITTING FEES METHODOLOGY OF CALCULATION

City Manager Owens reported that this is a proposal to modify the current methodology used to calculate building permit application fees in order to bring the methodology up to date with current industry standards and to ensure the City is charging fees commensurate with the cost of services the building division staff provides.

Through the Board's approval of the FY 2015 budget, the City amended the permit fees it charges for mechanical and plumbing permits, inspections, and planning and zoning applications, based on the cost of providing service and considering results of a fee survey of seven neighboring jurisdictions to be sure our new fees would not be out of line with competing sites in the area. At that time, staff advised the Board they would return with a proposed change to the building permit fees, after conducting a cost and methodology study.

Bart Alspaugh addressed the Board noting a correction to the Board report, he stated that the fees that are proposed are "net" fees, and there would be no refund or return of fees to the applicant once the project is complete.

With regard to escrows, Mr. Alspaugh explained that several surrounding municipalities require the posting of escrows which are returned when the project is completed. Those escrow fees are above and beyond building permit fees. The City of Clayton Building Division requires an escrow for a demolition permit only.

He also explained that currently; the City of Clayton calculates building permit fees using a fee table (provided in the Board packet) which specifies a dollar amount per thousand cubic feet. Building permit fees are calculated based on a structure's use, construction type, and cubic feet of volume. Added to the result of that calculation is an additional charge per inspection, based on the estimate of the number of inspections required for the project type.

In response to Alderman Garnholz's question, Mr. Alspaugh stated that they would like to cover costs for fuel/fleet, office space and also part of some administrative costs as well, noting that Clayton's costs are greater than most other municipalities.

Alderman Berger stated that he appreciates the professional work done in researching and reporting the request. He expressed his concerns and wanted to gain an understanding of the methodology of the revised fee proposal. He believes that the goals to raise fees is to: 1) to be market competitive, where presently our fee schedule lags behind the market rates as defined by surrounding cities like Olivette, Creve Coeur, Kirkwood, and Chesterfield, etc; and 2) to cover our expenses incurred to manage and support development compliance.

He asked if it is the average number of personnel hours spent on a project and if the hourly rate for the personnel involved is the multiplier in the calculation of cost; and relative to market competitiveness, is it the City's goal to be the market leader as measured by expense.

Mr. Alspaugh clarified that it is what it costs for their department to exist.

Mayor Sanger also noted that State law allows a city to collect up to our costs.

In referencing the report, Alderman Boulton asked if the overview cost recovery would be only 89%. Mr. Alspaugh explained the formula for getting to the 100% recovery costs.

In response to Alderman Winings' question, Mr. Alspaugh stated that he does not know if other municipalities are able to recover 100 percent of their costs.

Alderman Winings commented that he was surprised by the difference in the fees as compared to other cities. He added that he is a little uncomfortable for the City to be a leader on the higher end of costs.

Alderman Garnholz moved to approve the proposed changes to the Building Permit Fees Methodology of Calculation. Alderman Winings seconded.

The motion passed unanimously on a voice vote.

### **Other**

Alderman Garnholz reported on the St. Louis County Municipal League

- The League is considering a bylaws amendment to change the name of the organization to "Municipal League of Metro St. Louis" to be voted on in February.
- Vehicle Sales Tax Florissant Mayor Tom Schneider has volunteered along with Crestwood Mayor Greg Roby to work with the Automobile Dealer Association on sign and literature graphics for all parties to consider using in order to present some commonality in the themes of our messages in order to enhance the success of all of our efforts to succeed. Any City that is interested in obtaining suggestions on or help with their yard sign and literature graphics and message should contact Mayor Schneider.
- Discussion on the public safety sales tax proposal.
- Adopted two policy statements one related to sales tax and one to oppose legislation to eliminate the earnings tax in St. Louis City.
- Speaker, John Brancaglione, VP at PGAV Plan- discussed municipal master plans.
- Speaker, Rob Gorden of Arborjet, discussed his company's treatment program to combat the Emerald Ash Borer. Dale Houdeshell commented that this is a part of the City's plan.

Alderman Winings reported that the February 1 Plan Commission meeting was canceled due to a lack of agenda items; the Commission will be considering the Maryland School Project at its February 16 meeting.

Alderman Boulton reported that she attended the Non-Uniformed Employees Retirement Fund (NUERF) and Uniformed Employees Retirement Fund (UERF) meetings where they had their final report presented. UERF is currently at \$37 million and NUERF is at \$15 million. Although the year-to-date rate of return was not great they had a good year compared with appropriate market indexes. Recommendation for a proposed amendment to the NUERF plan will be presented to the Board of Aldermen in the near future; first to establish the BOA as the body that is responsible for the investment policy and second to clear up some "oddities" that Janet Watson found when reviewing the plan.

Alderman Berger echoed Alderman Boulton's report adding that they have a good strategy with a balanced approach.

He commended the Art Fair staff on a great presentation and encouraged the City to expand their giving and in-kind support for the St. Louis Art Fair.

He thanked Mayor Sanger for the proclamation for Mrs. Ross.

Alderman Berkowitz extended kudos on the new format of *CityViews*. Well-written and very easy to read. Restaurant Penos opened and lunch and dinner was very good, recommend everyone to visit.

Mayor Sanger reported that he attended the Ameren Town Hall Meetings regarding Missouri's Aging Infrastructure.

Mayor Sanger reported that he attended the Clayton Chamber of Commerce Legislative lunch meeting, Tom Curran is a new member, Maurice from Better Together reported about the cost of administration and will provide a summary of their study.

Alderman Berkowitz moved that the Board adjourn to a closed meeting, with a closed vote and record, as authorized by Section 610.021(1), (2) and (3) Revised Statutes of Missouri, relating to legal issues, real estate and/or personnel, and to discuss matters related to negotiation of a contract pursuant to Section 610.021(12), RSMo. and/or proprietary information pursuant to Sec. 610.021(15), and/or information related to public safety and security measures pursuant to Section 610.021(18) and (19) RSMO. Alderman Lintz seconded the motion.

Alderman Garnholz – Aye; Alderman Winings – Aye; Alderman Boulton – Aye; Alderman Berger – Aye; Alderman Lintz – Aye; Alderman Berkowitz – Aye; and Mayor Sanger – Aye.

There being no further business the meeting was adjourned at 8:22 p.m.

ATTEST:	Mayor	
City Clerk		